

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

DAREN KAREEM GADSDEN, #41948-037,

Petitioner,

v.

ACTION NO. 2:20cv120

J. ANDREWS,
Warden, FCI Petersburg,

Respondent.

FINAL ORDER

The Court has received and filed a petition for a writ of habeas corpus submitted pursuant to 28 U.S.C. § 2241. ECF No. 1. Petitioner DaRen Kareem Gadsden (“Gadsden”), a federal prisoner convicted and sentenced in the United States District Court of Maryland, and housed in the Federal Correctional Center in Petersburg, Virginia, asserts violations of his constitutional rights with respect to his convictions for conspiracy to commit bank fraud, bank fraud, aggravated identity theft, and attempted evidence-tampering. *Id.* at 6–7, 12. Gadsden brings this petition under the savings clause of 28 U.S.C. § 2255(e), seeking to have his convictions and sentence reversed and vacated, or have his case remanded for a new trial. *Id.* at 8.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report and recommendation, filed December 23, 2020, recommends that respondent’s motion to dismiss the petition be granted, Gadsden’s motion for summary judgment be denied, Gadsden’s motion for emergency injunctive

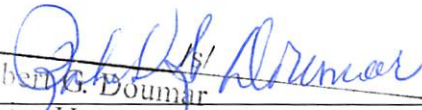
relief be denied, and the petition for a writ of habeas corpus be denied and dismissed without prejudice for lack of jurisdiction. ECF No. 18. On January 11, 2021, Gadsden filed objections to the report and recommendation. ECF No. 19.

The Court, having reviewed the record and examined Gadsden's objections to the report and recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent's motion to dismiss the petition (ECF No. 8) is **GRANTED**, Gadsden's motion for summary judgment (ECF No. 11) is **DENIED**, Gadsden's motion for emergency injunctive relief (ECF No. 14) is **DENIED**, and the petition for a writ of habeas corpus (ECF No. 1) is **DENIED** and **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

Gadsden has failed to demonstrate "a substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 327, 335–36 (2003).

Gadsden is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Gadsden intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Gadsden may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall forward a copy of this final order to Gadsden and counsel of record for respondent.



Robert G. Doumar
Senior United States District Judge
United States District Judge

Norfolk, Virginia
February 15, 2021